

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

JERRY ALLEN CLARK,
Appellant,

v.

ERIC H. HOLDER, JR., ATTORNEY GENERAL,
Appellee.

2011-1505

Appeal from the United States District Court for the
Western District of Oklahoma in case no. 11-CV-0707,
Judge Joe Heaton.

ON MOTION

O R D E R

The court considers whether this appeal should be
dismissed or transferred to the United States Court of
Appeals for the Tenth Circuit.

Jerry Allen Clark appears to have appealed from a
magistrate's decision of the United States District Court
for the Western District of Oklahoma recommending that
Clark's petition for a writ of habeas corpus be denied.
This court is a court of limited jurisdiction. 28 U.S.C.

§ 1295. Based only upon our review of the papers transmitted by the district court, it does not appear that this case falls within this court's jurisdiction.

Pursuant to 28 U.S.C. § 1631, this court is authorized to transfer the case, but only to a court in which the appeal could have been brought at the time it was filed or noticed and only if transfer is "in the interest of justice[.]" Because the trial court has yet to issue final judgment, it does not appear transfer to the United States Court of Appeals for the Tenth Circuit is appropriate.

Accordingly,

IT IS ORDERED THAT:

Clark is directed to show cause within 30 days from the date of this order why this appeal should not be dismissed. The Government may also respond within that time.

FOR THE COURT

AUG 04 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

cc: Jerry Allen Clark
Jeanne E. Davidson, Esq.

AUG 04 2011

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JAN HORBALY
CLERK